

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN MATTHEW DALEY,

Defendant.

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CASE NO. 2:17-CR-18

HON. ROBERT J. JONKER

**ORDER**

This matter is before the Court on Magistrate Judge Greeley's Report and Recommendation regarding Defendant Daley's tendered guilty plea, and related matters. No party has filed timely objections to the first three recommendations of the Report, and the Court independently finds that the record fully supports all three recommendations: namely, 1) that Defendant's guilty plea be accepted; 2) that Defendant be adjudicated guilty of Distribution of Child Pornography; and 3) that the written plea agreement be considered for acceptance at the time of sentencing. These recommendations are ACCEPTED and ADOPTED by the Court.

The Court asked the parties for additional briefing on the fourth recommendation: namely, that bond be continued pending sentencing. After review of all matters of record, including the additional briefing of the parties, the Court is satisfied that Defendant Daley's conviction for Distribution of Child Pornography triggers the mandatory remand provisions of 18 U.S.C. § 3143(a)(2), and that no exception applies. *See United States v. Conrad*, Case No. 1:10-cr-279, ECF No. 34 (W.D. Mich. Feb. 1, 2011). The Court is further satisfied that there are no "exceptional

reasons" under 18 U.S.C. § 3145(c) and *United States v. Christman*, 596 F.3d 870 (6th Cir. 2010) that warrant relief from the mandatory remand.

Accordingly, IT IS ORDERED that the Report and Recommendation of Magistrate Judge Greeley be accepted in all respects except continuation of bond pending sentencing. Rather, the Court revokes Defendant Daley's bond based on the acceptance of his guilty plea and the corresponding adjudication of guilt of a mandatory remand offense, as provided by this Order. Defendant shall report as directed by the United States Marshal to be held in custody pending sentencing. Failure by Defendant to report as directed will result in the issuance of a warrant for his arrest. The Court defers consideration of the Plea Agreement itself to the time of sentencing.

**IT IS SO ORDERED.**

Date: December 11, 2017

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE